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Washington, Thursday, May 25, 1939

The President

EXECUTIVE ORDER

TRANSFERRING THE USE, POSSESSION, AND CONTROL OF CERTAIN LANDS TO THE TENNESSEE VALLEY AUTHORITY

ALABAMA

WHEREAS under the River and Harbor Act of 1916 (39 Stat. 399), authorizing certain improvements in the Tennessee River, the United States acquired certain hereinafter-described lands in Jackson County, Alabama, for the construction of the Widows Bar Lock and Dam; and

WHEREAS the said lands are now under the control and jurisdiction of the War Department by virtue of their acquisition under the authority of the said River and Harbor Act of 1916 for the purpose above stated; and

WHEREAS upon completion of the Guntersville Dam, now under construction by the Tennessee Valley Authority, the lock and dam at Widows Bar will be discontinued as a navigation facility and the properties pertaining thereto will no longer be required by the War Department; and

WHEREAS the use, possession, and control of the said lands are desired by the Tennessee Valley Authority for its lawful purposes:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 7 of the Tennessee Valley Authority Act of 1933 (48 Stat. 63, U.S.C., title 16, sec. 831f), and as President of the United States, it is ordered that the use, possession, and control of the following-described parcels of land, comprising the Widows Bar Lock and Dam, Alabama, together with the lock, buildings, and other improvements thereon and pertaining thereto, be, and they are hereby, transferred from the War Department to the Tennessee Valley Authority:

Parcel 1

Beginning at a point in the northwest boundary of the said tract from which

point of beginning the northeast corner of section 11, T. 2 S., R. 8 E., Huntsville Meridian, bears N. 42°17' E., and is 433.2 feet distant therefrom;

Thence from the said point of beginning, by metes and bounds,

S. 46°43' E., 950 feet;

N. 47°15' E., 600 feet;

S. 42°45' E., 300 feet to the low-water line of the Tennessee River;

Thence downstream along said low-water line 2,670 feet to the center line of the old road leading from Ridley's Ferry to Stevenson, Alabama;

Thence, along the center line of the said road, N. 87°55' W., 165 feet;

Thence N. 43°17' E., 984.2 feet;

N. 46°43' W., 1,050 feet;

N. 43°17' E., 1,200 feet to the point of beginning, containing 39.53 acres, more or less.

Together with a roadway 15 feet wide on each side of a center line described as follows:

Beginning at a point in the northwestern boundary of the above-described tract, from which the point of beginning of the above-described tract bears N. 43°17' E., and is 946 feet distant therefrom, thence

N. 47°56' W., 355.3 feet;

N. 73°34' W., 1,669.4 feet;

N. 77°31' W., 116.3 feet;

N. 75°12' W., 855.3 feet;

N. 33°21' W., 303 feet to the center line of the Bridgeport-Stevenson Road;

containing 2.3 acres, more or less, which, together with the first parcel, above described, constitutes all that certain tract of land conveyed to the United States by Lois Spiller by warranty deed dated March 3, 1920, recorded in Book 63 of Deeds, page 313, Jackson County, Alabama.

Parcel 2

Beginning at a point on the southern boundary of the said tract, from which point of beginning the southwest corner of the SE¼ of the SE¼ of Section 12,

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T. 2 S., R. 8 E., Huntsville Meridian, bears S. 44°3' W., and is 874 feet distant therefrom;

Thence from the said point of beginning, by metes and bounds, along the boundary line between the lands of R. A. Williams and J. N. Pennington, N. 34°20' W., 1,992 feet;

Thence, continuing along said boundary line, N. 70°22' W., 1,744 feet to the low-water line of the Tennessee River;

Thence upstream, along said low-water line, 1,262 feet to the property line between the old J. H. J. Williams and Ridley tracts;

Thence, along the said property line, S. 50°08' E., 450 feet; thence

S. 47°15' W., 1,091 feet;
S. 70°22' E., 1,234 feet;

S. 34°20' E., 1,960 feet;
N. 52°24' E., 549.9 feet;
S. 34°20' E., 500 feet;
S. 52°24' W., 600 feet;
N. 34°20' W., 452 feet to the point of beginning.

CONTAINING 22.37 acres, more or less, and being all that tract of land conveyed to the United States by Bettie Williams and R. A. Williams, her husband, by warranty deed dated May 19, 1921, recorded in Book 66 of Deeds, page 317, Jackson County, Alabama.

The transfer made by this order shall become effective upon the completion of the said Guntersville Dam.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 23, 1939.

[No. 8141]

[F. R. Doc. 39-1783; Filed, May 24, 1939;
10:49 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 329]

STATE AND COUNTY COTTON ACREAGE ALLOTMENTS FOR 1939

CHANGE IN FORM NUMBER FROM COTTON 326 TO COTTON 329

The designation of the document issued by the Secretary of Agriculture under date of December 30, 1938, entitled "State and County Cotton Acreage Allotments for 1939," published in the FEDERAL REGISTER for January 4, 1939,¹ is hereby changed from Cotton 326 to Cotton 329 in order to avoid confusion with another document bearing the same designation.

Done at Washington, D. C., this 24th day of May 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-1780; Filed, May 24, 1939;
10:48 a. m.]

SUGAR DIVISION

[General Sugar Regulations, Series 2, No. 5]

PART 801—GENERAL SUGAR REGULATIONS HANDLING OF EXCESS-QUOTA SUGAR IN THE CONTINENTAL UNITED STATES*

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture,

¹ 4 F. R. 2 DI.

*Sections 801.41 to 801.45 issued under the authority contained in Sec. 504, 50 Stat. 915; 7 U.S.C., Sup. IV, 1174.

in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

§ 801.41 *Definitions.* As used in these regulations:

(a) The term "act" means the Sugar Act of 1937, approved September 1, 1937.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "quota" means the quota fixed by the Secretary for the mainland cane sugar area and the domestic beet sugar area pursuant to the act.

(d) The term "allotment" means any allotment of the quota made by the Secretary pursuant to section 205 (a) of the act.

(e) The term "processor" means any person engaged in the manufacture of sugar from sugar beets or sugarcane grown in the continental United States.*

§ 801.42 *Processing excess-quota sugar under bond.* Excess-quota sugar produced from sugarcane grown in the continental United States may be sold or delivered for processing upon the following conditions:

(a) that the processor file with the Secretary an application setting forth adequate reasons regarding the necessity for such sale or delivery and full information regarding the quantity and type of sugar, approximate polarization, identification marks, and the place where the sugar is stored; and

(b) that the person to whom the sugar is sold or delivered shall furnish a bond, with a surety or sureties satisfactory to the Secretary and in such amount as the Secretary shall determine, obligating such person to segregate physically the sugar within 30 days, or such shorter period as may be designated by the Secretary, and to hold such sugar, or an equivalent amount thereof, apart from all other sugar until the beginning of the next calendar year.*

§ 801.43 *Shipment or marketing of excess-quota sugar.* Excess-quota sugar produced from sugar beets or sugarcane grown in the continental United States may be shipped, transported, or marketed upon the following conditions:

(a) that such sugar is shipped or transported by the processor for storage purposes only to another warehouse owned or leased by him, or to a bonded warehouse approved by the Secretary, and, in the latter case, that the processor obtains from the warehouseman a written agreement to hold such sugar until the beginning of the next calendar year unless the Secretary authorizes an earlier release; and

(b) that at the time of such marketing the processor is the owner of an

equivalent amount of quota sugar produced in the same area, or else has entered into a contract for the purchase of an equivalent amount of such sugar and takes delivery thereof at the commencement of the current crop, but not later than December 1 of the current year, and holds such sugar as excess-quota sugar until the beginning of the next calendar year.

§ 801.44 *Cancellation of bond.* The Secretary may cancel or release any bond given under Sec. 801.42 hereof to the extent that such cancellation or release is necessary to permit the marketing of any increase in the applicable quota or in the allotment made to the person furnishing such bond.*

§ 801.45 *Designation of agent.* The Chief or the Acting Chief of the Sugar Division of the United States Department of Agriculture, and the Officer in Charge of the Baton Rouge office of the Agricultural Adjustment Administration or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary in administering the provisions of these regulations, except that the authority of the latter shall extend only to the application of such provisions to sugar produced from sugarcane.*

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 24th day of May, 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-1781; Filed, May 24, 1939; 10:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

MAY 23, 1939.

To C. T. LAMBERT,
Doing business as Ainsworth Sales Market, Ainsworth, Nebr.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Ainsworth Sales Market, at Ainsworth, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued

thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-1779; Filed, May 23, 1939; 4:16 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

MAY 23, 1939.

To J. J. BERIGAN, J. L. BERIGAN, and C. H. RAY,

Doing business as Atkinson Livestock Commission Company, Atkinson, Nebr.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Atkinson Livestock Commission Company, at Atkinson, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-1778; Filed, May 23, 1939; 4:16 p. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Regulations Serial No. 14]

[Regulation 401-F-2¹]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER SECTION 401 OF THE ACT AUTHORIZING FOREIGN AIR TRANSPORTATION

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 17th day of May 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 401 (f) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation, subject to the approval of the President of the United States:

Unless the order authorizing the issuance of a particular certificate shall

otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate of public convenience and necessity authorizing an air carrier to engage in foreign air transportation issued pursuant to section 401 of the Civil Aeronautics Act of 1938, the terms, conditions and limitations hereinafter set forth and such other terms, conditions and limitations as may from time to time be prescribed by the Authority and approved by the President of the United States.

I

If at any time the holder of a certificate desires to render a scheduled non-stop service omitting one or more of the intermediate points named in the certificate, and if such non-stop service is not then regularly scheduled by such holder, such holder shall file with the Authority written notice of its intention to inaugurate such service. Such notice shall be filed at least 20 days prior to inaugurating such service, shall be conspicuously entitled "Notice of Non-Stop Service in Foreign Air Transportation" and shall fully describe such service. At the time such notice is filed with the Authority a copy thereof shall be served by such holder upon the Postmaster General and upon such other persons as the Authority may require: *Provided, That*, subject to the provisions of section 405 (e) of the Act, non-stop service may be inaugurated between any two points at any time without the filing of the notice herein prescribed, if, during the twelve months preceding such inauguration, non-stop service was regularly scheduled by such holder between such points during a period of at least 45 days.

Such non-stop service may be inaugurated upon the expiration of 20 days after the filing of such notice unless (1) the Authority notifies such holder within said 20-day period that a direct, straight-line course between the points between which such service is to be operated appears to involve a substantial departure from the shortest course between such points as determined by the route described in the certificate, in which event such service shall not be inaugurated unless and until the Authority finds, upon application of the holder and after notice and public hearing, that the public interest would not be adversely affected by such service on account of such substantial departure; or (2) such service involves a schedule designated for the transportation of mail and the inauguration of such service on such day would be prohibited pursuant to the provisions of section 405 (e) of the Act, in which event the inauguration of such service shall be subject also to said section. The Authority may, subject to the provisions of section 405 (e) of the Act, permit non-stop service to be inaugurated at any time after the filing of the "Notice of Non-Stop Service in Foreign Air Transportation" herein pre-

¹ Modifies list posted stockyards 9 CFR 204.1.

² Superseding Regulation 401-F-1 (4 F.R. 1029 DI) with respect to certificates for foreign air transportation.

scribed whenever the circumstances warrant such action.

The holder of a certificate issued pursuant to section 401 (e) (1) of the Act may, subject to the provisions of section 405 (e) of the Act, continue to render any non-stop service regularly scheduled on the date of issuance of such certificate, although such non-stop service was not regularly scheduled by the holder on August 22, 1938, if the holder files a "Notice of Non-Stop Service in Foreign Air Transportation" with respect to such service with the Authority within thirty days after such date of issuance: *Provided*, That if a direct, straight-line course between the points between which such service is operated appears to involve a substantial departure from the shortest course between such points as determined by the route described in the certificate, and if the Authority shall, after notice and public hearing, instituted within 90 days after such date of issuance, find that the public interest would be adversely affected by such service on account of such substantial departure, such service shall thereupon be discontinued: *Provided further*, That, subject to the provisions of section 405 (e) of the Act, non-stop service may be continued between any two points without the filing of the notice herein prescribed if, during the twelve months preceding the date of issuance of the certificate, non-stop service was regularly scheduled by the holder of the certificate between such points during a period of at least forty-five days.

II

If at any time the holder of a certificate is required, in order to comply with any obligation, duty or liability imposed by any foreign country (other than any obligation, duty or liability arising out of a contract or other agreement heretofore or hereafter entered into between an air carrier or any officer or representative thereof and any foreign country if such contract or agreement has been disapproved by the Authority as being contrary to the public interest),

(1) To inaugurate scheduled non-stop service omitting one or more of the intermediate points named in the certificate and situated in one or more foreign countries; or

(2) To add a stop at a point not named in the certificate and situated in such foreign country; or

(3) To change the terminal point in such foreign country;

such holder shall file with the Authority written notice of such requirement. Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement; shall be conspicuously entitled "Notice of Non-Stop Service Required by Foreign Country," "Notice of Additional Stop Required by Foreign Country," or "Notice of Ter-

iminal Change Required by Foreign Country," as the case may be, and shall fully set forth the facts and circumstances relating to such requirement. At the time such notice is filed with the Authority a copy thereof shall be served by the holder upon the Postmaster General and upon such other persons as the Authority may require. Such service may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Authority, after notice and public hearing, shall disapprove such service as being contrary to the public interest or unless and until the Authority shall find, after investigation, that such requirement of the foreign country is not in effect.

III

If the holder of a certificate desires to serve regularly a point through any airport not then regularly used by such holder, such holder shall file with the Authority written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled "Airport Notice—Foreign Air Transportation," shall clearly describe such airport and its location, and shall state the reasons the holder deems the use of such airport to be desirable. At the time such notice is filed with the Authority a copy thereof shall be served by the holder upon the Postmaster General and upon such other persons as the Authority may require. Subject to the provisions of section 405 (e), the use of any such airport may be inaugurated upon the expiration of thirty days after the filing of such notice, unless within said thirty-day period the Authority shall serve upon the holder an order directing such holder to show cause why such use should not be disapproved: *Provided*, That, subject to the provisions of section 405 (e) of the Act, the Authority may permit the use of any airport prior to the expiration of such thirty-day period whenever the circumstances warrant such action. Upon service of such order such use shall not thereafter be inaugurated except as may be expressly permitted by such order unless and until the Authority finds, after notice and public hearing, that the public interest would not be adversely affected by such use.

In no event, however, shall the holder use the provisions of the foregoing paragraph of this Article as authority to receive regularly passengers or property at one airport and discharge the same at any other airport serving the same point.

If at any time the holder of a certificate is required, in order to comply with any obligation, duty or liability imposed by any foreign country (other than any obligation, duty, or liability arising out of a contract or other agreement heretofore or hereafter entered into between

an air carrier or any officer or representative thereof and any foreign country, if such contract or agreement has been disapproved by the Authority as being contrary to the public interest) to serve regularly a point or points in such foreign country through any airport not then regularly used by such holder, such holder shall file with the Authority written notice of such requirement. Such notice shall be filed within twenty days after the air carrier shall have been advised of such requirement; shall be conspicuously entitled "Airport Notice—Foreign Air Transportation—Change Required by Foreign Country"; and shall fully set forth the facts and circumstances relating to such requirement. The use of such airport may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Authority, after notice and public hearing, shall disapprove the use of such airport as being contrary to the public interest or unless and until the Authority shall find, after investigation, that such requirement of the foreign country is not in effect.

IV

It shall be a condition upon the holding of a certificate that any intentional contravention in fact by the holder of the terms of Title IV of the Act or of the orders, rules, or regulations issued thereunder or of the terms, conditions, and limitations attached to the exercise of the privileges granted by the certificate, even though occurring without the territorial limits of the United States, shall, except to the extent that such contravention in fact shall be necessitated by an obligation, duty, or liability imposed by a foreign country, be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401 (b) of the Act.

V

This regulation shall apply only to certificates of public convenience and necessity authorizing an air carrier to engage in foreign air transportation, and to this extent it supersedes the Authority's Regulation 401-F-1 as amended. Unless otherwise expressly provided therein, future amendments to Regulation 401-F-1 shall not affect this regulation.

VI

This regulation shall take effect from the date of its approval by the President of the United States.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

THE WHITE HOUSE,
May 18, 1939.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 39-1790; Filed, May 24, 1939;
12:35 p. m.]

[Regulations Serial No. 16]

COMPLIANCE WITH OPERATION
SPECIFICATIONS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 19th day of May 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a), and 604 (a) of said Act, and finding that its action is desirable in the public interest, is required to promote safety of flight in air commerce, and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Authority issues the following regulation:

No air carrier engaged in trans-Atlantic foreign air transportation service shall conduct such service otherwise than in accordance with the minimum safety standards set forth in the Operation Specifications issued by the Authority with respect to such service.

By the Authority:

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1789; Filed, May 24, 1939;
12:34 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3746]

IN THE MATTER OF KASTAR SPECIALTY
MANUFACTURING COMPANY, INC.

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer:* § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of automobile accessories and similar products, through the use of the word "manufacturing", or any other word of similar import or meaning, in respondent's corporate name, or through any other means or device, or in any manner, that the products sold and distributed by respondent are made or manufactured by it, unless and until such respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant or factory wherein said products are manufactured by it, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kastar Specialty Manufacturing Company, Inc., Docket 3746, May 15, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 15th day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Kastar Specialty Manufacturing Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automobile accessories and similar products in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, through the use of the word "manufacturing" or any other word of similar import or meaning in its corporate name, or through any other means or device, or in any manner, that the products sold and distributed by respondent are made or manufactured by it, unless and until such respondent actually owns and operates or directly and absolutely controls a manufacturing plant or factory wherein said products are manufactured by it.

It is further ordered, That the respondent, shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1777; Filed, May 23, 1939;
4:09 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

SECURITIES AND EXCHANGE
COMMISSIONPUBLIC UTILITY HOLDING COMPANY ACT
OF 1935

AMENDMENT OF RULE U-12F-2

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, and particularly Section 20 (a) [C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t] thereof, and finding such action necessary and

appropriate to carry out the provisions of Section 6 (b)¹, 7 (d) (4)², 10 (b) (2)³, 12 (d)⁴, 12 (f)⁴, 12 (g)⁴, 13 (e)⁵, and 13 (f)⁵ thereof, the Securities and Exchange Commission hereby amends subparagraph (2) of paragraph (a) of Rule U-12F-2⁶ [Sec. 15.U-12F-2], so that it shall read as follows:

(2) Any affiliate of the applicant or declarant, or of a company of which the applicant or declarant is a subsidiary, or

Effective immediately.⁷

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1785; Filed, May 24, 1939;
11:11 a. m.]

TITLE 36—PARKS AND FORESTS
FOREST SERVICE

OCCUPANCY, USE, PROTECTION, AND ADMINISTRATION OF NATIONAL FORESTS

AMENDMENT OF REGULATION T-1

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory to the act of Congress of June 4, 1897 (30 Stat., 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation T-1, Sec. 147.02, of the rules and regulations for the occupancy, use, protection, and administration of the National Forests by adding thereto the following paragraph:

(P) Having in possession, or firing or causing to be fired any tracer bullet or tracer charge onto or across such lands.

Done at Washington, D. C., this 24th day of May 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-1782; Filed, May 24, 1939;
10:48 a. m.]

TITLE 46—SHIPPING
UNITED STATES MARITIME
COMMISSION

[Amendment No. 1]

REGULATIONS FOR THE GOVERNMENT OF THE
UNITED STATES MARITIME SERVICE

The United States Maritime Commission hereby prescribes the following

¹ C. 687, sec. 6, 49 Stat. 814; 15 U.S.C., Sup. III, 79f.

² C. 687, sec. 7, 49 Stat. 815; 15 U.S.C., Sup. III, 79g.

³ C. 687, sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 79j.

⁴ C. 687, sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 79i.

⁵ C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Sup. III, 79m.

⁶ 3 F.R. 3178 DI.

⁷ May 23, 1939.

amendment (No. 1) to the regulations for the government of the United States Maritime Service which were prescribed by the Commission as of September 1, 1938.¹

Article II, Section 6 (a) (Authority of Commandant), is amended to read as follows:

§ 6 (a): "To direct and control the employees and enrollees of the Maritime Service and to prescribe instructions regulating annual and sick leave."

Article IV, Section 4, (Active Duty), is amended to read as follows:

§ 4: "The term 'active duty' shall include all service while in training or performing duty under authorization of the Maritime Service, but shall not include absence from duty on leave, without leave or while under arrest nor while sick or in a hospital unless resultant from causes arising while on active duty and so certified by the medical officer and the superintendent, in which event he may receive his regular compensation less any sums paid by the United States Compensation Service: provided, however, that periods of absence on account of annual or sick leave granted with pay to regular enrollees detailed as instructors or for military duty shall be regarded for pay computation as active duty."

Article IV, Section 6 (c), (Transportation and Travel), is amended to read as follows:

§ 6 (c): "A probationary enrollee disenrolled before the completion of his probationary period, except at his request or for reasons within his control, may be furnished transportation including Pullman or sleeping-car accommodations from the place of disenrollment to the place of enrollment. An enrollee disenrolled at his own request or for reasons within his control before the completion of his probationary period shall not be entitled to a travel allowance or to transportation in kind."

Article IV, Section 6 (f), (Transportation and Travel), is amended by adding an additional subsection (f) to read as follows:

§ 6 (f): "A probationary enrollee disenrolled upon completion of the probationary period shall be entitled to a travel allowance of 5 cents per mile from the place of disenrollment to the place of enrollment."

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.,
Secretary.

MAY 23, 1939.

[F. R. Doc. 39-1788; Filed, May 24, 1939;
11:50 a. m.]

¹ 3 F.R. 2224 DI.

Notices

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1939.

[File No. 46-70]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION, LIMITED, ET AL.

ORDER APPROVING ACQUISITION OF SECURITIES

Utilities Power & Light Corporation, Limited, a wholly-owned subsidiary of Utilities Power & Light Corporation, a registered holding company (presently in reorganization proceedings under Section 77B of the Bankruptcy Act, proceedings in which are pending in the District Court of the United States of the Northern District of Illinois, Eastern Division), and the trustee for the estate of the debtor, as intervening applicant, having filed an application, and amendments thereto, seeking an exemption under Section 9 (c) (3) of the Public Utility Holding Company Act of 1935, or, in the alternative, an order of approval under Section 10, with respect to the acquisition by the applicant, to the extent of \$3,000,000, of some securities of certain associated companies; the Commission having found that the proposed acquisitions were not exempted by the provisions of Section 9 (c) (3) and having been unable to make findings under Section 10 because of the uncertainty as to the securities the applicant might ultimately purchase and the conditions of such purchase; and the Commission having reopened the record to permit the supplying by amendment of such details as are necessary to enable the Commission to make findings under Section 10 of the Act;¹

The applicant and intervening applicant having filed on April 17, 1939, an amendment to the application limiting the proposed acquisitions of securities to the purchase by the applicant of Utilities Elkhorn Coal Company's outstanding Twenty Year 6% First Mortgage Sinking Fund Gold Bonds, due July 1, 1948, with January 1, 1938 and subsequent coupons attached;

A public hearing having been held pursuant to appropriate notice,² after the filing of the amendment of April 17,

¹ Holding Company Act Release No. 1354, December 8, 1938.

² 4 F.R. 1659 DI.

1938; representatives of Utilities Elkhorn Coal Company, Atlas Corporation, Preferred Stockholders' Committee, Utilities Elkhorn Coal Company Bondholders' Committee, certain individual bondholders, and the indenture trustee having been present and having stated their respective positions; and the Commission having considered the record in this matter and having made and filed its supplementary findings and opinion herein;

It is ordered, That in accordance with and for the purposes represented by the application, as amended, the acquisition by the applicant of Utilities Elkhorn Coal Company's outstanding Twenty Year 6% First Mortgage Sinking Fund Gold Bonds, due July 1, 1938, with January 1, 1938 and subsequent coupons attached, be, and the same hereby is, approved subject to the following terms and conditions:

(a) That the approval herein granted shall not become final until the court having jurisdiction over the 77B proceedings shall have approved the transactions proposed by said application;

(b) That the offer to purchase Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company shall be made simultaneously to all known holders of such bonds, irrespective of whether individual claims were filed on said bonds in the reorganization proceedings of either Utilities Power & Light Corporation or Utilities Elkhorn Coal Company, and irrespective of whether the holder of such bonds has tendered his claim against Utilities Power & Light Corporation to applicant and deposited an assignment thereof in escrow;

(c) That the price at which the bonds, with January 1, 1938, and subsequent coupons attached, shall be purchased shall be 70% of the principal amount thereof;

(d) That after the court having jurisdiction over the reorganization proceedings authorizes by order the purchase of the bonds, the applicant and the trustee for the estate of Utilities Power & Light Corporation shall mail or cause to be mailed to every known holder of Elkhorn bonds a letter advising him of the purchase offer and soliciting his acceptance of the offer, and simultaneously shall make or cause to be made to such bondholders such disclosures as may be necessary or desirable for the purpose of enabling the bondholders to determine whether or not to accept the offer of purchase: *Provided, however*, that said trustee shall submit to the Commission at least three days prior to mailing, true copies of all the literature which is to be sent in connection with the making of the offer and solicitation of acceptances thereto (including the initial letter and any additional communications other

than replies to specific inquiries), and within said period the Commission reserves the right to order the trustee to make such changes as it considers necessary in the public interest and the interest of investors and consumers;

(e) That the offer of purchase shall expire thirty days from the date of mailing of the literature in which the offer to purchase and the solicitation of acceptance thereto are made;

(f) That in the event the applicant and/or trustee for the estate of the debtor consider it necessary or desirable to solicit acceptances of the purchase offer by the holders of Elkhorn bonds who do not respond to the written literature by other means, they may employ representatives for the purpose of soliciting in person such acceptances: *Provided, however*, That such representatives must be paid on a straight salary basis, and that the names of such representatives and copies of the instructions given to them shall be filed with the Commission;

(g) That the Commission reserve jurisdiction for the purpose of passing upon the manner and extent to which the bonds acquired by the applicant pursuant to this order may subsequently be used by the applicant and/or the intervening applicant, and until such ruling by the Commission is made none of the rights incident to the ownership of said bonds shall be exercised by either the applicant or intervening applicant; *Provided, however*, that in the event a plan of reorganization of Utilities Elkhorn Coal Company shall be approved by the Commission the bonds and coupons held by the applicant shall have the same rights to participate in the reorganization proceedings of Utilities Elkhorn Coal Company in the same manner as if it had been the original holder of said bonds and coupons; and

(h) That the Commission reserve jurisdiction for the purpose of passing upon the matters required to be passed upon by the foregoing conditions, and for the purpose of passing upon any other questions subject to its jurisdiction, that may arise in connection with the purchase offer and solicitations of acceptances thereto.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1787; Filed, May 24, 1939;
11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of May, A. D. 1939.

[File No. 34-29]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Southern Natural Gas Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reclassification of 554,500⁰⁰⁸/₁₀₃₀ shares of its Class A stock and 274,939 shares of its Class B stock into 691,970¹⁵³/₁₀₃₀ shares of \$7.50 par value common stock and regarding the issuance of such shares of common capital stock;

A public hearing on said declaration having been held after appropriate notice;¹ the Commission having considered the record in this matter and having made and filed its findings herein:

It is ordered, That said declaration be and become effective forthwith subject, however, to the condition that the issue and sale of the common stock shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by the declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1786; Filed, May 24, 1939;
11:11 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1939.

[File No. 43-205]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and an application pursuant to sections 7 and 12 (d) of the

¹ 4 F.R. 434 DI.

Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on June 8, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 3, 1939.

The matter concerned herewith is in regard to the proposed issue by Minnesota Utilities Company and delivery to its parent company, American Utilities Service Corporation, a registered holding company, of 3,400 shares of common stock without par value. For these shares, Minnesota Utilities Company will receive \$102,000, which will be employed for the purpose of reimbursing the treasury of the company for capital expenditures.

American Utilities Service Corporation will pledge the stock so received as security for its Collateral Trust 6% Bonds, Series A.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1784; Filed, May 24, 1939;
11:11 a. m.]

